



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

October 17, 2007

MEMORANDUM

SUBJECT: Effects Determinations for Simazine Relative to the California Red-Legged Frog and Designated Critical Habitat

FROM: Anita Pease, Senior Biologist *APease 10/17/07*
ERB 4
Environmental Fate and Effects Division

TO: Arthur-Jean B. Williams, Associate Director
Environmental Fate and Effects Division

Attached is the assessment of potential direct and indirect effects to the California red-legged frog (CRLF) and potential modification to designated critical habitat from uses of the herbicide simazine. While the Endangered Species Act requires we assess uses of pesticides relative to any potentially affected listed species, this assessment focuses only on the CRLF, including designated critical habitat, addressing provisions of a settlement agreement entered into by the federal government to resolve claims made by plaintiffs against EPA in a court case (CBD v. EPA¹).

The attached assessment was conducted consistent with the Agency's Overview Document². Effects determinations for this assessment are summarized below:

- Simazine may affect and is likely to adversely affect the CRLF, based on direct chronic effects to the terrestrial-phase CRLF and indirect effects to both aquatic- and terrestrial phase CRLFs (via reduction in algae, mammals, and frogs as food and habitat modification based on effects to non-vascular aquatic plants and herbaceous terrestrial vegetation).
- These effects also constitute modification to critical habitat.
- These effects are anticipated to occur only for those occupied core habitat areas, California Natural Diversity Database (CNDDB) occurrence sections, and designated critical habitat for the CRLF that are located ≤ 850 feet from legal use sites where simazine is applied aerially and ≤ 184 feet from use sites where simazine is applied with ground-based equipment.

¹ Settlement agreement of October 20, 2006: Center for Biological Diversity v. United States Environmental Protection Agency. Civ. No: 02-1580-JSW(JL)).

² Overview of the Ecological Risk Assessment: Process in the Office of Pesticide Programs, U.S. Environmental Protection Agency: Endangered and Threatened Species Effects Determinations: January 23, 2004.

As required by the Alternative Consultation Agreement EPA entered into with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (Services), I have been trained by the Services to make such determinations. Additionally, this assessment was subjected to internal Agency peer review throughout its development.

Please let me know if you have any questions regarding this assessment and effects determination for simazine relative to the CRLF and its designated critical habitat.

cc: Steven Bradbury
Debbie Edwards

Attachments